

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUBURN SALES, INC.,

Plaintiff,

Case No. 14-cv-10922

Hon. Matthew F. Leitman

v.

CYPROS TRADING & SHIPPING, INC. et al.,

Defendant(s).

ORDER REGARDING EVIDENTIARY HEARING

As the Court has previously informed the parties, on September 9, 2014, at 9:00 a.m., the Court will hold a hearing on Defendants' Motion to Dismiss (ECF #11.) This hearing will include both an evidentiary hearing and legal argument by counsel. (*See* Amended Notice of Hearing, ECF #19.) In connection with this hearing, by not later than September 5, 2014, the parties shall submit the following to the Court's Case Manager:

(a) A "Joint Exhibit and Witness List" that lists all exhibits that the parties intend to introduce at the hearing and all witnesses the parties intend to call at the hearing. For each identified exhibit, the Joint Exhibit and Witness List shall indicate whether the admission of the exhibit is agreed to by the parties. If admission of an exhibit is not agreed to by the parties, the Joint Exhibit and Witness List must briefly state the basis for any objection. For

each identified witness, the Joint Exhibit and Witness List must indicate whether the witness “will” be called or “may” be called at the hearing, the witness’s likely testimony (one or two sentences), an estimate of the time needed for direct and cross examination of the witness, and any significant objection to the witness’s testimony; and

(b) A “Joint Exhibit Book” containing a copy of all proposed exhibits identified in the Joint Exhibit and Witness List. All exhibits must be marked by counsel prior to the preparation of the Joint Exhibit Book such that the copy of each exhibit in the Joint Exhibit Book is marked. The preferred method of marking is the traditional “Plaintiff’s Exhibit __” and “Defendant’s Exhibit __” in number order, but any clear method is acceptable (e.g., numbers and letters).

The Court will admit unobjected-to exhibits in the Joint Exhibit and Witness List at the start of the hearing. The Court will determine the admissibility of objected-to exhibits and objected-to testimony prior to the start of the hearing or at the time a party seeks to introduce the objected-to evidence or testimony. Evidence not included in the Joint Exhibit and Witness List will not be admitted absent a showing of good cause. Counsel are required to keep track of all exhibits admitted

during the hearing.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 26, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 26, 2014, by electronic means and/or ordinary mail.

s/Lisa Wagner for Holly A. Monda

Case Manager

(313) 234-5113